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18

Application Number

10/626,916

Filing Date

07/25/2003

First Named Inventor

David Wei Wang

Art Unit

3672

Examiner Name

Gay, Jennifer Hawkins

Attorney Docket Number

68.0345

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

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of Appeals and InterferencesAppeal Communication to TC
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Proprietary Information



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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

VAN SOMEREN, PC

Signature

Printed name

Robert A. Van Someren

Date

September 8, 2006

Reg. No.

36,038

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PTO/SB/17 (07-06)

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FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number	10/626,916
Filing Date	07/25/2003
First Named Inventor	David Wei Wang
Examiner Name	Gay, Jennifer Hawkins
Art Unit	3672
Attorney Docket No.	68.0345

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-3054 Deposit Account Name: VAN SOMEREN, PC

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

50

25

Each independent claim over 3 (including Reissues)

200

100

Multiple dependent claims

360

180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)****Multiple Dependent Claims**

- 20 or HP = _____ x _____ = _____

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Appeal Brief

500.00

SUBMITTED BY

Signature	<u>Robert A. Van Someren</u>	Registration No. (Attorney/Agent)	36,038	Telephone	281-373-4369
Name (Print/Type)	Robert A. Van Someren			Date	September 8, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AP
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Wei Wang

Serial No.: 10/626,916

Filed: July 25, 2003

For: MESH SCREEN APPARATUS AND
METHOD OF MANUFACTURE

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Group Art Unit: 3672

Examiner: Gay, Jennifer Hawkins

Atty Docket: 68.0345

Assistant Commissioner
for Patents
Washington, D.C. 20231

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Robert A. Van Someren

Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on July 12, 2006 (and received by the Patent Office on July 17, 2006) and the Notice of Panel Decision from Pre-Appeal Brief Review mailed on August 15, 2006.

1. **REAL PARTY IN INTEREST**

The real party in interest is Schlumberger Technology Corporation, the Assignee of the above-referenced application by virtue of the Assignment recorded at reel 014338, frame 0264.

2. **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellant's legal representative in this Appeal. Schlumberger Technology

Corporation, the Assignee of the above-referenced application as evidenced by the documents listed above, will be directly affected by the Board's decision in the pending appeal.

3. **STATUS OF CLAIMS**

Claims 1-13 and 21 stand finally rejected by the Examiner and claims 14-20 have been withdrawn as noted in the Office Action dated March 16, 2006. The rejection of claims 1-13 and 21 is appealed.

4. **STATUS OF AMENDMENTS**

The February 3, 2006 Amendment, submitted prior to the Examiner's Final Rejection mailed March 16, 2006, was entered by the Examiner.

5. **SUMMARY OF THE CLAIMED SUBJECT MATTER**

a.) Independent Claim 1

Independent claim 1 is directed to a mesh screen apparatus that can be used in subterranean wells. The apparatus comprises a mesh medium 12 formed by layers 17 of the mesh material. The layers 17 are interconnected by fibers 16 that extend from each individual interlocking layer 17 into the next adjacent interlocking layer 17. The apparatus further comprises a base pipe 14 that is perforated to form openings in its sidewall. Mesh medium 12 is mounted on the base pipe 14 such that the mesh medium covers the openings through the base pipe. (See, for example, page 2, paragraphs 0012, 0013, lines 14-24; and Figure 2 - including the amendments to the cited lines and to Figure 2 filed with the Reply and Amendment mailed February 3, 2006).

b.) Independent Claim 21

Independent claim 21 is directed to a mesh screen apparatus for use in subterranean wells. The apparatus comprises a mesh medium 12 having a plurality of separate layers 17 formed of a mesh material. The separate layers 17 are interlocked by fibers 16 that extend from one layer of mesh material 17 into the adjacent layer of mesh material 17. (See page 2, paragraphs 0012,

0013, lines 14-24; and Figure 2 - including the amendments to the cited lines and to Figure 2 filed with the Reply and Amendment mailed February 3, 2006). The apparatus also comprises equipment having at least one intelligent completion device 26. The at least one intelligent completion device 26 is at least partially enclosed by mesh medium 12 which serves to prevent infiltration of particulates into the equipment having the at least one intelligent completion device. (See page 3, paragraph 0017, lines 22-29; page 4, paragraph 0018, lines 1-16; and Figure 3).

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

a.) Whether claims 1-8 and 10-13 are unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference, U.S. Patent No. 6,006,829, in view of the Mutzenberg et al. reference, U.S. Patent No. 4,250,172.

b.) Whether claim 9 is unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Schulte reference, U.S. Patent No. 6,237,780.

c.) Whether claims 12 and 13 are unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Castano-Mears et al. reference, U.S. Patent No. 6,457,518.

d.) Whether claim 21 is unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and the Bayne et al. reference, U.S. Publication No. 2002/0007948.

7. **ARGUMENT**

a.) Rejection of claims 1-8 and 10-13 as unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference, U.S. Patent No. 6,006,829, in view of the Mutzenberg et al. reference, U.S. Patent No. 4,250,172.

- Claims 1-5, 7 and 10

Independent claim 1 and dependent claims 2-5, 7 and 10 were improperly rejected as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference. No *prima facie* case of obviousness has been established.

The Whitlock et al. reference discloses a filter for use in subterranean environments. The filter includes an inner support member 10 and a filter body 20. Inner support member 10 is a hollow tubular member that permits fluid flow into its hollow center. (See column 3, lines 38-67). Filter body 20 includes at least one filtering layer 23. The at least one filtering layer 23 is illustrated as three adjacent filtering layers 23. (See column 5, lines 38-67). However, the reference does not disclose or suggest interlocking the layers or interlocking of the layers with fibers extending from one layer to another.

The Mutzenberg et al. reference is directed to a needled fiber mat containing a granular agent for use in processing industries to treat liquid and gaseous substances by contacting them with the solid granular agents. At least one layer of granular sorption agent is disposed between at least two layers of fibrous mat and held in place when the layers are interlocked by needling. (See column 1, lines 63-66). In the example provided, a mat has three layers of textile fibers with two layers of granular agent sandwiched in between. Unwoven fibers are transported by needling through the layers of granular agent for interlocking with other layers of textile fibers. (See column 2, lines 20-31).

The Whitlock et al. reference and the Mutzenberg et al. reference do not support the rejection under 35 USC 103(a), because there is no suggestion in either reference that would lead one of ordinary skill in the art at the time of the present invention to combine the dissimilar teachings. In fact, the Mutzenberg et al. reference describes needling in conjunction with forming a mat for holding a granular agent. There is no teaching or suggestion in this reference, or the Whitlock et al. reference, to utilize a needling technology in the interlocking of mesh medium layers that are mounted about a base pipe and used as a screen in subterranean wells, as recited in pending independent claim 1. In the March 16, 2006 Office Action, page 6, the Examiner stated the motivation to combine the references can be found in column 1, lines 48-56 of the Mutzenberg et al. reference which states:

"Fibrous mats have also been used to support granular agents. Such mats, however, have been impregnated with a powdered agent that is retained by means of a sticky or gluey coating applied to the fibers. This has the serious disadvantage of reducing the contact-area of the agent wherever the agent is covered by the sticky or gluey coating.

It is an object of this invention, therefore, to provide a mechanically stable mat containing at least one layer of granular sorption agent which is easily replaced;"

This passage merely describes the primary purpose of the Mutzenberg et al. screen which is to support granular agents between fiber layers. The teaching provides no motivation for the interlocking of mesh medium layers that are mounted about a base pipe and used as a screen in subterranean wells. Furthermore, the teaching found in column 1, lines 48-56 of the Mutzenberg et al. reference demonstrates that this particular reference is devoted to structures for holding sorption agents and is outside the applicant's field of endeavor. Also, the reference is not reasonably pertinent to the particular problem with which the applicant was concerned. Accordingly, the requisite suggestion/motivation for combining the disparate teachings of the references is missing, and no prima facie case of obviousness has been established with respect to claims 1-5, 7 and 10. The rejection should be withdrawn.

- Claim 6

In addition to the arguments provided above with respect to independent claim 1, dependent claim 6 is further patentably distinguishable over the cited references by virtue of its recitation of elements that are not disclosed or suggested in the Whitlock et al. and Mutzenberg et al. references, whether taken alone or in combination. In the final Office Action, support for the rejection of claim 6 was said to be found at column 4, lines 47-54, of the Whitlock et al. reference. (See March 16, 2006 Office Action, page 3). However, the pertinent passage of the Whitlock et al. reference states:

"The filter body 20 contains a filter medium which filters a well fluid to form a filtrate. The filter body 20 may have any structure capable of performing the intended removal of substances from the fluid being filtered. For example, it may be a prepacked body, a wire-wrapped body, a sintered metal unitary body, a wire mesh body, a resin-consolidated mass of particles, or any other type of filter body."

This passage, which was the sole passage relied on by the Examiner to support the rejection of claim 6, states that the filter body 20 can be "a wire mesh body" and lists other entirely different types of filters. However, the passage does not disclose or suggest the mesh medium is a tubular that is seamless, as recited in the rejected claim 6. Accordingly, no prima facie case of obviousness has been established, and the rejection of claim 6 should be withdrawn.

- Claim 8

In addition to the arguments provided above with respect to independent claim 1, dependent claim 8 is further patentably distinguishable over the cited references by virtue of its recitation of elements that are not disclosed or suggested in the Whitlock et al. and Mutzenberg et al. references, whether taken alone or in combination. Specifically, dependent claim 8 recites determining the porosity of the mesh medium "by the thickness of the fiber strands" which is not disclosed or suggested in the cited references. In the March 16, 2006 Office Action, an attempt is

made to support the rejection of claim 8 by providing a general assertion that the "porosity of the material could be directly determined by the thickness and diameter of the strands as the size and number of openings in the material would be directly proportional to the thickness and diameter of the strands" (see Office Action, page 3). However, no reference is made to the cited art, and that art does not support the statement in the Office Action or the rejection of claim 8. Accordingly, no prima facie case of obviousness has been established, and the rejection of claim 8 should be withdrawn.

- Claim 11

In addition to the arguments provided above with respect to independent claim 1, dependent claim 11 is further patentably distinguishable over the cited references by virtue of its recitation of elements that are not disclosed or suggested in the Whitlock et al. and Mutzenberg et al. references, whether taken alone or in combination. In rejecting claim 11, the Whitlock et al. reference is relied on as disclosing "a structure 21 positioned over the base pipe where the mesh medium covers the structure." (See March 16, 2006 Office Action, page 3). However, reference numeral 21 of the Whitlock et al. reference is used to label an inner drainage layer of the filter body itself and does not constitute a structure positioned along the base pipe with a mesh medium covering the structure, as recited in claim 11. Accordingly, no prima facie case of obviousness has been established, and the rejection of claim 11 should be withdrawn.

- Claim 12

In addition to the arguments provided above with respect to independent claim 1, dependent claim 12 is further patentably distinguishable over the cited references by virtue of its recitation of elements that are not disclosed or suggested in the Whitlock et al. and Mutzenberg et al. references, whether taken alone or in combination. In rejecting claim 12, no specific support is cited from the Whitlock et al. and Mutzenberg et al. references. Furthermore, the cited references completely fail to disclose or suggest the use of a mesh medium that "covers only a circumferential portion of the base pipe, the mesh medium having ends secured directly to the

base pipe" as recited in dependent claim 12. Because the cited references fail to disclose or suggest elements of the claim, no prima facie case of obviousness has been established and the rejection should be withdrawn.

- Claim 13

In addition to the arguments provided above with respect to independent claim 1, dependent claim 13 is further patentably distinguishable over the cited references by virtue of its recitation of elements that are not disclosed or suggested in the Whitlock et al. and Mutzenberg et al. references, whether taken alone or in combination. In rejecting claim 13, the Examiner again cited no specific support from the Whitlock et al. and Mutzenberg et al. references. Furthermore, the cited references completely fail to disclose or suggest the use of a mesh medium that "covers only a circumferential portion of the base pipe" as recited in dependent claim 13. Because the cited references fail to disclose or suggest elements of the claim, no prima facie case of obviousness has been established and the rejection should be withdrawn.

b.) Rejection of claim 9 as unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Schulte reference, U.S. Patent No. 6,237,780.

- Claim 9

Claim 9 was improperly rejected as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Schulte reference. No *prima facie* case of obviousness has been established.

Claim 9 ultimately depends from independent claim 1 and is patentable for the reasons provided above with respect independent claim 1. However, claim 9 further includes elements

that are not disclosed or suggested by the cited references, including the newly cited Schulte reference.

The Schulte reference describes a screen for use in a vibratory separator. For example, a screen 100 has a plurality of wires 102 in a shute direction and a plurality of wires 104 in a direction orthogonal to that of wires 102. The diameters of wires 102 and 104 are similar. Support wires 106 also are described, and each support wire 106 has a cross-sectional diameter larger than that of wires 104. (See column 4, lines 52-67). The reference also discloses other embodiments that utilize larger diameter support wires. However, the Schulte the reference does not disclose or suggest a mesh screen apparatus that uses mesh material with fiber strands of variable diameter to vary the porosity across the mesh medium. In fact, the combination of cited references provides no disclosure or suggestion of a mesh material comprising "fiber strands of variable diameter and the porosity is variable across the mesh medium" as recited in dependent claim 9. Accordingly, no *prima facie* case of obviousness has been established, and the rejection of claim 9 should be withdrawn.

c.) Rejection of claims 12 and 13 as unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Castano-Mears et al. reference, U.S. Patent No. 6,457,518.

- Claim 12

Claim 12 was improperly rejected as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Castano-Mears et al. reference. No *prima facie* case of obviousness has been established.

Claim 12 depends from independent claim 1 and is patentable for the reasons provided above with respect to independent claim 1. However, claim 12 further includes elements that are not disclosed or suggested by the cited references, including the newly cited Castano-Mears et al. reference.

The Castano-Mears et al. reference describes a variety of expandable well screens, however it does not describe or suggest screens that use a mesh medium to cover only a circumferential portion of the base pipe while securing the ends of the mesh medium directly to the base pipe. Specifically, the Castano-Mears et al. reference, taken alone or in combination with the other cited references, does not disclose or suggest a mesh medium that covers a circumferential portion of the base pipe, "the mesh medium having ends secured directly to the base pipe" as recited in dependent claim 12. Accordingly, no *prima facie* case of obviousness has been established, and the rejection of claim 12 should be withdrawn.

- Claim 13

Claim 13 was improperly rejected as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Castano-Mears et al. reference. No *prima facie* case of obviousness has been established.

Claim 13 depends from independent claim 1. For similar reasons to those discussed above with respect to independent claim 1, no *prima facie* case of obviousness has been established with respect to claim 13. The requisite suggestion/motivation for combining the disparate teachings of the Whitlock et al. and Mutzenberg et al. references is missing. Accordingly, even if the three cited references could be used to provide individual elements of claim 13, the rejection of claim 13 cannot stand because of the improper combination of references.

d.) Rejection of claim 21 as unpatentable under 35 U.S.C. § 103(a) as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Bayne et al. reference, U.S. Publication No. 2002/0007948.

- Claim 21

Claim 21 was improperly rejected as obvious over the Whitlock et al. reference in view of the Mutzenberg et al. reference and further in view of the Schulte reference. No *prima facie* case of obviousness has been established.

As discussed above with respect to independent claim 1, no *prima facie* case of obviousness has been established with respect to claim 21, because the requisite suggestion/motivation for combining the disparate teachings of the Whitlock et al. and Mutzenberg et al. references is missing. Additionally, however, claim 21 recites elements that are not disclosed or suggested in the three cited references, whether taken alone or in combination.

The Bayne et al. reference describes a well system having auxiliary conduits that can be used in gravel packing applications. The conduits 212 can be disposed between a shroud assembly 200 and gravel pack screens 214. (See paragraph 0031). Additionally, the conduits 212 can include sensors, such as a fiber optic cable within or outside of the conduit. (See paragraphs 0032 and 0036). However, the reference does not disclose a mesh medium.

The Bayne et al. reference completely fails to describe or suggest a mesh screen apparatus comprising "a piece of equipment having at least one intelligent completion device which the mesh medium at least partially encloses" as recited in amended, independent claim 21. In fact, none of the references, taken alone or in combination, discloses or suggests at least partially enclosing an intelligent completion device with a mesh medium to prevent infiltration of particulates into the equipment. Accordingly, no *prima facie* case of obviousness has been established, and the rejection of claim 21 should be withdrawn.

In view of the above remarks, Applicant respectfully submits the Examiner has provided no supportable position or evidence that claims 1-13 and 21 are obvious under 35

U.S.C. § 103(a). Accordingly, Applicant respectfully requests that the Board find claims 1-13 and 21 patentable over the art of record, withdraw all outstanding rejections, and allow claims 1-13 and 21.

The Commissioner is hereby authorized to charge the requisite fee of \$500.00 (filing a brief in support of a Notice of Appeal) to the credit card listed on the attached form PTO-2038. However, if the amount listed thereon is insufficient, or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 50-3054.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Van Someren", written over a horizontal line.

Date: September 8, 2006

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8. **CLAIMS APPENDIX**

1. A mesh screen apparatus used in subterranean wells, comprising:

a mesh medium having interlocking layers of mesh material, the interlocking layers being connected by fibers extending from an individual interlocking layer into the next adjacent interlocking layer; and

a base pipe having openings in its sidewall, and onto which the mesh medium is mounted such that the mesh medium covers the openings.

2. The mesh screen apparatus of claim 1 in which the mesh material comprises fiber strands.

3. The mesh screen apparatus of claim 2 in which the fiber strands are arranged in orthogonal layers.

4. The mesh screen apparatus of claim 2 in which the fiber strands are metallic.

5. The mesh screen apparatus of claim 1 in which the mesh medium is a tubular.

6. The mesh screen apparatus of claim 5 in which the tubular is seamless.

7. The mesh screen apparatus of claim 1 in which the mesh medium has a porosity.

8. The mesh screen apparatus of claim 7 in which the mesh material comprises fiber strands and the porosity is determined by the thickness of the fiber strands.

9. The mesh screen apparatus of claim 7 in which the mesh material comprises fiber strands of variable diameter and the porosity is variable across the mesh medium.

10. The mesh screen apparatus of claim 7 in which the mesh material comprises fiber strands and the porosity is determined by the diameter and number of openings in the mesh medium.

11. The mesh screen apparatus of claim 1, further comprising a structure positioned along the base pipe, the mesh medium covering the structure.

12. The mesh screen apparatus of claim 1 in which the mesh medium covers only a circumferential portion of the base pipe, the mesh medium having ends secured directly to the base pipe.

13. The mesh screen apparatus of claim 1 in which the mesh medium covers only a circumferential portion of the base pipe.

21. A mesh screen apparatus used in subterranean wells, comprising:

a mesh medium having a plurality of separate layers of mesh material, the plurality of separate layers of mesh material being interlocked by fibers extending from at least one layer of mesh material into an adjacent layer of mesh material; and

a piece of equipment having at least one intelligent completion device which the mesh medium at least partially encloses such that the mesh medium prevents infiltration of particulates into the equipment.

9. **EVIDENCE APPENDIX**

Not Applicable

10. **RELATED PROCEEDINGS APPENDIX**

Not Applicable